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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,048	02/05/2001	Masamine Maeda	B208-1122	8686
26272	7590	02/09/2006	EXAMINER	
COWAN LIEBOWITZ & LATMAN P.C. JOHN J TORRENTE 1133 AVE OF THE AMERICAS NEW YORK, NY 10036			SELBY, GEVELL V	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/777,048

Applicant(s)

MAEDA, MASAMINE

Examiner

Gevell Selby

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-6,13,23 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,13,23 and 25-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see the amendment, filed 11/23/05, with respect to the rejection(s) of claim(s) 1, 2, 4-6, 13, and 23 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kowno et al., US 2001/0013897.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 2, 4-6, 13, 23, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terada et al., US 6,124,888 in view of Kowno et al., US 2001/0013897.**

In regard to claims 1, 13, and 23, Terada et al., US 6,124,888, discloses an image pickup apparatus, method, and program for operating the apparatus, comprising the following components that perform the method in the program:

an image pickup circuit (see figure 7, element 103) which photoelectrically converts, into pixel signals, a light image formed through a lens (see figure 7, element 101 and column 11, lines 7-11); and a setting unit (see figure 7, elements 107 and 108) which sets at least a first image pickup mode (block mode) in which the pixel signals are reduced by extracting a

predetermined area (a block or predetermined range of pixels is scanned out of the whole pixels thus reducing the number of pixel signals) from an image pickup area of said image pickup circuit (see figure 15 and column 11, lines 16-29) and a second image pickup mode (skip mode) in which the pixel signals are obtained from a larger area than said predetermined area by reducing the pixel signals (in skip mode, the pixels are thinned out) in a different reducing method of said first mode (see figure 15 and column 11, lines 16-29).

The Terada reference does not disclose comprising a controlling unit which controls to lengthen a focal length of said lens depending on a change from said first image pickup mode to said second image pickup mode.

Kowno et al., US 2001/0013897, discloses a conventional camera with a plurality of modes comprising a controlling unit (it is inherent there is a controlling unit that drives the zoom lens in accordance to the focal length changing switch (107)) which controls to lengthen a focal length of the lens depending on a change from said first image pickup mode (NORMAL) to said second image pickup mode (TELEPHOTO) (see para. 11).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Terada et al., US 6,124,888 in view of Kowno et al., US 2001/0013897, to have a controlling unit which controls to lengthen a focal length of said lens depending on a change from said first image pickup mode to said second image pickup mode, in order to photograph landscape or when an object of interest is located at a relatively long distance in the first mode and to photograph a person or close up object in the second mode.

In regard to claim 2, Terada et al., US 6,124,888 in view of Kowno et al., US 2001/0013897, discloses an image pickup apparatus according to claims 1 and 13 respectively. Terada discloses wherein the setting unit sets an image pickup mode (full mode) for picking up a still image in which pixel signals are read out from whole area of said image pickup area (see column 11, lines 16-28).

In regard to claim 4, Terada et al., US 6,124,888 in view of Kowno et al., US 2001/0013897, discloses an image pickup apparatus according to claims 1 and 13 respectively. Terada discloses wherein the image pickup mode is set according to an object an image of which is to be picked up (see column 11, lines 25-29: The block or skip mode or used to capture moving images of objects and full mode is select for still images of objects).

In regard to claims 6, Terada et al., US 6,124,888 in view of Kowno et al., US 2001/0013897, discloses an image processing system (see Terada: figure 7) having a plurality of apparatuses communicatively interconnected (see Terada: figure 7, elements 102-110), wherein at least one of said plurality of apparatuses has a function of an image pickup apparatus (see Terada: figure 7, element 103) according to claim 1.

In regard to claim 25, Terada et al., US 6,124,888, discloses an image pickup apparatus, comprising:

an image pickup circuit (see figure 7, element 103) which photoelectrically converts, into pixel signals, a light image formed through a lens (see figure 7, element 101 and column 11, lines 7-11); and

a setting unit (see figure 7, elements 107 and 108) which sets at least a first image pickup mode (block mode) in which the pixel signals are reduced and a second image pickup mode (skip mode) which is different from said the first mode (see figure 15 and column 11, lines 16-29);

wherein said setting unit sets different method for reducing pixel signals from said image pickup circuit between said first image pickup mode and said second image pickup mode (see column 11, lines 16-29: in block mode, a block or predetermined range of pixels is scanned out of the whole pixels thus reducing the number of pixel signals and in skip mode, the pixels are thinned out).

The Terada reference does not disclose comprising a controlling unit which controls to lengthen a focal length of said lens depending on a change from said first image pickup mode to said second image pickup mode.

Kowno et al., US 2001/0013897, discloses a conventional camera with a plurality of modes comprising a controlling unit (it is inherent there is a controlling unit that drives the zoom lens in accordance to the focal length changing switch (107)) which controls to lengthen a focal length of the lens depending on a change from said first image pickup mode (NORMAL) to said second image pickup mode (TELEPHOTO) (see para. 11).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Terada et al., US 6,124,888 in view of Kowno et al., US 2001/0013897, to have a controlling unit which controls to lengthen a focal length of said lens depending on a change from said first image pickup mode to said second image pickup mode, in order to photograph landscape or when an object of

interest is located at a relatively long distance in the first mode and to photograph a person or close up object in the second mode.

In regard to claim 26, Terada et al., US 6,124,888 in view of Kowno et al., US 2001/0013897, discloses an image pickup apparatus according to claim 25. The Kowno reference discloses said controlling unit controls said focal length of said lens in order to adjust variation on an angle of view caused by the change from said first pickup mode and said second pickup mode (see para 11: the focal length is lengthened when changing from NORMAL to TELEPHOTO mode thus changing the angle of view).

In regard to claim 27, Terada et al., US 6,124,888, discloses an image pickup apparatus, comprising:

an image pickup circuit (see figure 7, element 103) which photoelectrically converts, into pixel signals, a light image formed through a lens (see figure 7, element 101 and column 11, lines 7-11); and a setting unit (see figure 7, elements 107 and 108) which sets at least a first image pickup mode (block mode) in which the pixel signals are reduced by extracting a predetermined area (a block or predetermined range of pixels is scanned out of the whole pixels thus reducing the number of pixel signals) from an image pickup area of said image pickup circuit (see figure 15 and column 11, lines 16-29) and a second image pickup mode (skip mode) in which the pixel signals are obtained from a larger area than said predetermined area by reducing the pixel signals (in skip mode, the pixels are thinned out) in a different reducing method of said first mode (see figure 15 and column 11, lines 16-29).

The Terada reference does not disclose comprising a controlling unit which controls to shorten a focal length of said lens depending on a change from said second image pickup mode to said first image pickup mode.

Kowno et al., US 2001/0013897, discloses a conventional camera with a plurality of modes comprising a controlling unit (it is inherent there is a controlling unit that drives the zoom lens in accordance to the focal length changing switch (107)) which controls to shorten a focal length of the lens depending on a change from said second image pickup mode (TELEPHOTO) to said first image pickup mode (NORMAL) (see para. 11).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Terada et al., US 6,124,888 in view of Kowno et al., US 2001/0013897, to have a controlling unit which controls to shorten a focal length of said lens depending on a change from said second image pickup mode to said first image pickup mode, in order to photograph landscape or when an object of interest is located at a relatively long distance in the first mode and to photograph a person or close up object in the second mode.

**3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Terada et al., US 6,124,888 in view of Kowno et al., US 2001/0013897, as applied to claim 1 above, and further in view of Matsumoto, US 6308,015.**

In regard to claim 5, Terada et al., US 6,124,888 in view of Kowno et al., US 2001/0013897, discloses an image pickup apparatus according to claims 1 and 13 respectively. The Terada and Kowno references do not disclose wherein said setting



controller sets the image pickup mode on the basis of evaluation values obtained from at least two distance measuring points.

Matsumoto, US 6308,015, discloses a distance measuring device, which takes a distance measurement from a plurality of points (see column 9, line 66 to column 10, lines 5). The distance measuring device allows for the detection of the main object in order to perform auto focusing (see column 9, lines 60-65).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Terada et al., US 6,124,888 in view of Kowno et al., US 2001/0013897, and further in view of Matsumoto, US 6308,015, to have a distance measuring device to determine the main object and the controller can the mode depending of then location of the points of the of the object.

### *Conclusion*

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs

  
TUAN HO  
PRIMARY EXAMINER